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Date of Decision: 16-10-95

Special Civil Application No.3984 of 1981

For Approval and Signature:

HONOURABLE MR. JUSTICE M.R. CALLA

1. Whether Reporters of Local Papers may be allowed to see the judgment? No
2. To be referred to the Reporter or not? No
3. Whether Their Lordships wish to see the fair copy of the judgment? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any other order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

Coram: (M.R. Calla, J.)

Dt:16-10-95

ORAL JUDGMENT:

1. No one appears for the petitioner. No one appears for the respondents although the matter is on Board since 18-9-95 at Item No.5. It is 4.15 P.M. now and yet no one has appeared despite the fact that the case has been called out repeatedly.

2. The petitioner herein has raised the grievance about the affairs of Indian Oil Corporation Club at Sabarmati and has prayed for a direction setting aside the order passed by respondent No.2 i.e. Terminal

Manager of Indian Oil Corporation Ltd.(ex officio President of Indian Oil Corporation Club, Sabarmati) dissolving the Club Committee and appointing an ad hoc Committee and handing over the possession of the records, accounts and properties of the Indian Oil Club at Sabarmati. Directions have also been sought to withdraw the charge-sheet Annexure 'C' alongwith the show cause notice Annexure 'D' issued against the petitioner.

3. An affidavit-in-reply dated 2-11-81 has been filed in this case under the signatures of Mr. G.P.Chhibar as Terminal Manager of the Sabarmati Terminal of Indian Oil Corporation Ltd. The pleadings of the parties clearly show that there are serious disputed questions of fact involved in this case and moreover, the grievance is raised with regard to the recreation club known as Indian Oil Club, which was conceived and run for the welfare, cultural development, promotion of family feelings amongst the employees, promoting sports-games activities and sportsmanship, increasing knowledge and to create a sense of discipline through books, audio-visuals, etc. With regard to the dissolution of the Committees of such clubs, which are neither created by statute nor are under the statute and which are being run as domestic clubs in the Company i.e. Indian Oil Corporation Ltd., can not be amenable to the writ jurisdiction under Article 226 of the Constitution of India. It is the common case of the parties that this Club has no written Constitution and the same is governed and managed by an elected committee. Terminal Manager at Sabarmati is the ex officio President of this Club and otherwise the Terminal Manager is not at all concerned in any manner with the affiliation of the members of this Club with any Union. It is also stated in the end of para 7 of the affidavit-in-reply that the ad hoc committee appointed on 5-3-79 had served its limited purpose and on the general elections for the Club, the Committee, having been held in the month of January, 1980, was replaced by the elected committee and, therefore, neither the deponent of this affidavit-in-reply i.e. Terminal Manager nor the Management of Indian Oil Corporation Ltd. had any vested interest in placing on the Committee, the members of their choice as alleged by the petitioner. The dispute about the constitution of such committees and domestic clubs, which are purely voluntary organisations, can not be agitated in a writ petition under Article 226 of the Constitution of India.

4. So far as the charge-sheet Annexure "C" dated 30-7-80 is concerned, it appears from the show cause

notice Annexure "D" dated 4/13-8-81 that the departmental inquiry was held and the same was completed on 7-1-81 and it is only after the completion of the inquiry that this show cause notice proposing the penalty of dismissal was sent to the petitioner and in para 11 of the affidavit-in-reply it has been clearly stated that the entire departmental inquiry had been conducted with an open mind and that before taking any final decision on this question, the Management shall consider all the material relevant factors brought on record of the inquiry by the petitioner including his reply to the show cause notice as to proposed penalty. In para 13 of the reply it has been stated that the present petitioner had filed another criminal complaint before Judicial Magistrate, First Class at Narol and the same had been filed on or before 23-9-81 i.e. prior to the filing of the present petition. The deponent of this affidavit-in-reply i.e. Mr.G.P.Chhibar had been named as one of the accused and it appears that while issuing Rule on 25-11-81 the fact that the Terminal Manager of Sabarmati was named as one of the accused in this criminal case had weighed with the Bench. However, thereafter, neither the petitioner nor the respondents has placed on record any further subsequent development as to what was the fate of the aforesaid criminal case and either of the parties have not ventured to supplement the pleadings with any subsequent development. So far as the show cause notice is concerned, it has been clearly stated that the reply to the show cause notice, if any, is filed, the same shall be given due consideration. Moreover, it is noticed that the show cause notice had been given by Regional Operations Manager and not by the Terminal Manager and, therefore, it is expected that the reply to the show cause notice, which may have been filed or which may be filed even now by the petitioner, shall be considered objectively by the concerned authorities before passing final orders on the show cause notice.

5. In the facts and circumstances of this case and looking to the pleadings of the parties, I do not find it to be a case worth any interference. Special Civil Application is hereby dismissed. Rule is hereby discharged. Interim relief stands automatically vacated. No order as to costs.